

Mr. President, as of the close of business, Wednesday, December 13, the total Federal debt stood at exactly \$4,988,313,115,981.39 or \$18,935.72 per man, woman, child on a per capita basis. *Res ipsa loquitur*.

#### THE USE OF TROOPS IN BOSNIA

Mr. DORGAN. Mr. President, I rise to explain why I reluctantly supported last night the resolution written by Majority Leader DOLE and Senator MCCAIN of Arizona, which authorized the use of American troops to implement the Dayton Framework Agreement.

I did so with some apprehension. I have no illusions about how difficult this mission could be. Bosnia is a country deeply divided by 4 years of warfare and centuries of turbulence. The terrain is rough and the weather fierce. Much of the land is sown with mines.

So why do I—with some apprehension—support the DOLE resolution? I do it because I believe implementing the Dayton Agreement is the best option in a very bad situation.

Our decision would be easier if we could roll back the clock. If President Bush had used air power to punish Serbian aggression in 1991, we might not be here today. If President Clinton had persuaded our allies, over the past 2 years, to lift the arms embargo against Bosnia, we might now have the balance of power in Bosnia that the Dayton Agreement seeks to create. That is why I voted to lift the arms embargo so that Bosnia could defend itself.

But we cannot roll back the clock; 4 years of war have passed, and the parties are now exhausted. Our allies opposed lifting the embargo. So President Clinton began a diplomatic campaign this past summer to broker a peace settlement. The President's leadership and American-led NATO air strikes produced the Dayton Agreement. President Clinton deserves congratulations for this historic achievement.

Last night the Senate had to decide whether to authorize the use of troops to implement that agreement. Many North Dakotans have shared their concerns about this mission with me. So I want to take a moment to explain my vote to them by describing the decision that the Senate faced and the Dole resolution.

Let me put my vote in the context of what is happening in Bosnia. Since the war began, 250,000 people have lost their lives. Two million people have become homeless. Innocent civilians have been slaughtered, and no one has been spared—not the young, not the infirm, not the elderly. Ethnic cleansing has raged across the land of Bosnia. Atrocities have been committed, by both sides. And we have reliable reports of horrors that we thought we had banished from Europe 50 years ago, such as concentration camps and mass graves.

I agree with Senator DOLE's assessment that the President has the constitutional authority to commit

these troops for a peacekeeping mission. While I have serious reservations about it, it seems to me we ought to, as the President commits these troops, by resolution, support the troops themselves and create narrow restrictions under which the President can keep them there—that they are going only in a peacekeeping role.

The President argues that other countries are sending more troops per capita than we are to carry out this mission. He points out that England is sending three times as many troops, relative to their population, as we are. I understand why it was difficult for the President to withhold a commitment of American troops to keep a peace that he helped negotiate and to keep a peace that will be monitored by virtually all other countries that belong to NATO.

But that does not eliminate the deep reservations I have about the risks of this mission, and about the dangers of changing the mission once our troops are in place in Bosnia.

It is true, I believe, that America is looked upon as a world leader that is not seeking to gain territory but is helping to promote peace. It is also true that with that leadership comes responsibilities. But our country has, in so many ways, for so many years, had to bear the brunt of that responsibility—to pay for the defense of Western Europe and to provide international leadership when others would not.

I would have much preferred, in this circumstance, that the European Community would have been willing to step forward and broker a peace and keep the peace without having the United States expose our ground troops to the kind of risks we will face in the Balkan region. But the President has committed our country to helping to secure peace. And it seems to me we are in a position now where we must tell the President these are the conditions under which you can meet that commitment, which is what the Dole resolution attempts to do.

I am not, by supporting the Dole resolution, saying that I believe the President made the right commitment for our country. But rather, I am expressing support for the troops, acknowledging that the commitment was made and saying that our country must now proceed to keep its word.

Because I have real concerns about this mission I want the President and my colleagues to know that if a change of mission occurs in Bosnia, if the peace does not hold, and there is a decision our soldiers should become peace-makers instead of peacekeepers then I will be among the first in Congress to call for the immediate withdrawal of the American troops and to vote for a cut-off of funding, if necessary, to accomplish that withdrawal.

Finally, Mr. President, let me highlight a few aspects of the Dole resolution that I think are important to my vote. First, the resolution expresses

the unequivocal support of Congress for the work of our troops. It commends their professionalism, their bravery, and their sacrifice. It expresses the commitment of Congress to give them the tools they will need to do their job.

Second, it states that the United States will lead an international effort to arm and train the Bosnian Moslems. That is important. American troops will be able to leave if the Bosnian Moslems are able to defend themselves.

Third, the Dole resolution recognizes that American troops are going to Bosnia to enforce a peace agreement. They are not there to make the peace. The leaders of Bosnia, Croatia, and Serbia have decided that peace is their policy, and they have again attested to that decision by signing an agreement today in Paris. If the parties themselves abandon peace, then our troops should depart.

Fourth, the resolution supports a truly multilateral operation. The Dayton Agreement's implementation force will be composed of 60,000 troops from about 30 different countries, including non-NATO nations such as Russia, Poland, the Czech Republic, and Hungary.

This is my thinking on Bosnia, Mr. President, and these are the reasons why I voted for the Dole resolution last night. I hope and pray that my vote will help our troops fulfill their mission and will help speed them safely home.

#### UNITED STATES DUTIES AND RESPONSIBILITIES CONCERNING WAR CRIMINALS AND EVIDENCE OF WAR CRIMES IN THE UNITED STATES ZONE IN BOSNIA AND HERZEGOVINA

Mr. D'AMATO. Mr. President, I rise today to discuss a matter that has not received much public attention during the course of our discussions of the United States role in the Balkans and specifically in Bosnia. While administration officials have discussed how we would respond if we encountered indicted war criminals in Bosnia, they have been silent on the equally important question of collecting and protecting evidence of violations of international humanitarian law.

This is a very basic point. You can indict and arrest suspects, but for convictions, you need solid, admissible evidence. The International Criminal Tribunal for the Former Yugoslavia has been doing excellent work, considering the resource limitations it operates under and its lack of direct access to many crime scenes. It now lies within the power of the United States to advance the tribunal's work and the cause of justice in the former Yugoslavia.

The United States has supported the Tribunal's efforts to acquire more resources. Now, the United States and our NATO allies in the implementation force will have direct access to the scenes of the alleged crimes. The question we face is what do we do with this access?

I strongly believe that we have a moral obligation to seek out, collect, protect, and provide to the tribunal such evidence of violations of international humanitarian law as we are able to discover within the United States zone in Bosnia. Let me be specific.

Last Wednesday, December 6, 1995, the Commission on Security and Cooperation in Europe, better known as the Helsinki Commission, of which I am cochairman, held a hearing entitled "Mass Graves and Other Atrocities in Bosnia." The witnesses at this hearing were Mr. Ivan Lupis, of Human Rights Watch, Mr. David Rohde of the Christian Science Monitor, and Dr. Barbara C. Wolf, M.D., a forensic pathologist who participated in an AmeriCares exhumation project in Bosnia.

Mr. Rohde and Mr. Lupis both testified to events leading up to and following the fall of the United Nations-declared safe area of Srebrenica on July 11, 1995. According to their testimony, perhaps as many as 8,000 Bosnian Muslims were massacred by Bosnian Serbs following the storming of Srebrenica. Their remains were buried in an area between Srebrenica and Tuzla, the headquarters of the United States forces that will be assigned to the implementation force [IFOR].

Possible mass grave sites identified following the fall of Srebrenica are at or near the following locations: Zabrđe, Kravica, Burnice, Nova Kasaba, Kuslat, Sahanici, Rasica Gai, and Karakaj. These sites all lie within the U.S. zone. Mr. Rohde personally visited four sites, at Nova Kasaba and Sahanici, and confirmed that they were in fact mass graves.

It is vitally important that the United States act to secure these sites and facilitate access to them by international investigators. Under the Dayton Peace Agreement, the United States has the right to do this. I strongly believe that we must exercise that right, and promptly, before evidence that is potentially vital to the prosecution of the killers can be destroyed.

At last Wednesday's hearing, Mr. Rohde testified as follows in that regard, according to an uncorrected transcript of the hearing: "The U.S. intelligence said this last month: They have aerial photos of backhoes being in the area digging it up, taking out some kind of material which could be bodies. And there's a possibility the Bosnian Serbs are pouring acid onto the bodies and destroying evidence."

Now, I want to review specifically what the Dayton Peace Agreement says and how its provisions apply in this situation, so that there can be no misunderstanding of the duties of the parties to the agreement. These provisions now take effect because the agreement was signed in Paris earlier today.

The Dayton agreement provides as follows in article VII: "Recognizing that the observance of human rights

and the protection of refugees and displaced persons are of vital importance in achieving a lasting peace, the Parties agree to and shall comply fully with the provisions concerning human rights set forth in Chapter One of the Agreement at Annex 6, as well as the provisions concerning refugees and displaced persons set forth in Chapter One of the Agreement at Annex 7."

Article VII thus commits all of the parties, including the Bosnian Serbs, to comply fully with the following provision, among others:

In particular, annex 6, article XIII, paragraph 4 of the Dayton agreement provides as follows: "All competent authorities in Bosnia and Herzegovina shall cooperate with and provide unrestricted access to the organizations established in this Agreement; any international human rights monitoring mechanisms established for Bosnia and Herzegovina; the supervisory bodies established by any of the international agreements listed in the Appendix to this Annex; the International Tribunal for the Former Yugoslavia; and any other organization authorized by the U.N. Security Council with a mandate concerning human rights or humanitarian law."

In other words, the Dayton agreement singles out the International Tribunal for the Former Yugoslavia as one of the organizations with which all competent authorities in Bosnia and Herzegovina must cooperate. This means that the Bosnian Serbs may not prevent investigators from reaching these mass grave sites or exhuming the remains or doing any of the other tasks necessary to a full and complete investigation of the crimes committed there.

Annex 1-A, "Agreement on the Military Aspects of the Peace Settlement," article II, "Cessation of Hostilities," paragraph 4 further provides as follows: "The Parties shall cooperate fully with any international personnel including investigators, advisors, monitors, observers, or other personnel in Bosnia and Herzegovina pursuant to the General Framework Agreement, including facilitating free and unimpeded access and movement and by providing such status as is necessary for the effective conduct of their tasks."

This provision is even more specific. It requires that the parties facilitate "free and unimpeded access and movement." This means that road blocks, security zones, military areas, or any of the other excuses, ruses, or tricks that were formerly the Serb's stock in trade to prevent international observation or investigation of their actions are no longer permitted.

Now, let us look more closely at the rules covering United States forces as part of IFOR in Bosnia. Annex 1-A, article VI, "Deployment of the Implementation Force," paragraph 3 provides as follows: "The Parties understand and agree that the IFOR shall have the right to fulfill its supporting tasks, within the limits of its assigned

principal tasks and available resources, and on request, which include the following: \* \* \* (b) to assist the movement of organizations in the accomplishment of humanitarian missions; (c) to assist the UNHCR and other international organizations in their humanitarian missions; (d) to observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate violence to life and person \* \* \*

Paragraph 5 provides as follows: "The Parties understand and agree that the IFOR Commander shall have the authority, without interference or permission of any Party, to do all that the Commander judges necessary and proper, including the use of military force, to protect the IFOR and to carry out the responsibilities listed above in paragraphs 2, 3 and 4, and they shall comply in all respects with the IFOR requirements."

This is a key provision, when read with paragraph 3. In essence, it means that the United States does not have to ask the Bosnian Serbs for permission to assist the movement of tribunal investigators or to help them with exhumations or other heavy work. In addition, it means that any resistance can be met with military force.

Paragraph 9 provides as follows: "Air and surface movements in Bosnia and Herzegovina shall be governed by the following provisions: (a) The IFOR shall have complete and unimpeded freedom of movement by ground, air, and water throughout Bosnia and Herzegovina. It shall have the right to bivouac, maneuver, billet, and utilize any areas or facilities to carry out its responsibilities as required for its support, training, and operations, with such advance notice as may be practicable. The IFOR and its personnel shall not be liable for any damages to civilian or government property caused by combat or combat related activities. Roadblocks, checkpoints or other impediments to IFOR freedom of movement shall constitute a breach of this Annex and the violating Party shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance with this Annex."

This is another key provision. It puts teeth into the requirement of annex 1-A, article II, paragraph 4, quoted in full above, that "[t]he Parties shall cooperate fully with any international personnel including investigators \* \* \* including facilitating free and unimpeded access and movement. \* \* \*" It permits the use of military force to overcome roadblocks, checkpoints, or other impediments to IFOR freedom of movement, even when escorting, for example, tribunal investigators.

I have just described the legal foundation for United States action in support of investigations of violations of international humanitarian law in Bosnia and Herzegovina. That legal foundation comes into force now that the Dayton Peace Agreement has been

signed in Paris earlier today. Now, the issue for the United States is what we are actually going to do, given that we now appear to have, and I would argue that we clearly do have, the legal right to support, assist, and facilitate these investigations.

Mr. President, the distinguished chairman of the Commission on Security and Cooperation in Europe, Representative CHRISTOPHER H. SMITH of New Jersey, and I, sent a joint letter to Secretary of Defense William J. Perry last Friday, asking just that question. In fact, it is a long letter and it asks detailed questions about the entire United States approach to the issue of violations of international humanitarian law in Bosnia and the United States response to those violations. While it is much too soon to expect a response, I urge the Secretary to put his staff to work on the questions contained in the letter so that we can have answers before we make serious mistakes.

Mr. President, I ask unanimous consent that our joint letter to Secretary Perry be printed in the RECORD.

I plan to speak again on this topic as more information is received and the situation develops.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 8, 1995

Hon. WILLIAM J. PERRY,

Secretary of Defense, Department of Defense,  
the Pentagon, Washington, DC.

DEAR MR. SECRETARY: We write today to pose some important questions with regard to the U.S. forces assigned to the NATO Implementation Force in Bosnia. What are the United States' legal obligations concerning the International Criminal Tribunal for the Former Yugoslavia, what are the United States' moral obligations to support the Tribunal's work, and what instructions have you given U.S. forces concerning those legal and moral obligations?

Security Council Resolution 827 (25 May 1993) established the International Criminal Tribunal for the Former Yugoslavia. Paragraph 4 of that Resolution provided that "... all States shall cooperate fully with the International Tribunal and its organs in accordance with the present resolution and the Statute of the International Tribunal and that consequently all States shall take any measures necessary under their domestic law to implement the provisions of the present resolution and the Statute, including the obligation of States to comply with requests for assistance or orders issued by a Trial Chamber under Article 29 of the Statute."

Under this United Nations Security Council resolution, the Statute establishing the Tribunal, and other applicable international law, what is the legal obligation of the United States Government should indicted war criminals come within our potential control in the former Yugoslavia? Are we legally obligated to arrest them and deliver them up to the Tribunal for trial?

A summary of the Dayton Peace Agreement provided by the State Department contained a paragraph that states that "[t]he agreement gives IFOR, the peace implementation force, the authority and discretion to use military force to prevent interference with the free movement of civilians, refugees, and displaced persons, and to respond

appropriately to violence against civilians. *IFOR has the authority to arrest any indicted war criminals it encounters or who interfere with its mission, but it will not try to track them down.*" [Italic added.]

A review of the text of the Dayton Peace Agreement, its annexes and appendices, and accompanying side letters, failed to locate anywhere in these texts a provision or provisions conferring upon IFOR "the authority to arrest any indicted war criminals it encounters," or, for that matter, to arrest anyone at all. Moreover, paragraph 3 of Appendix B to Annex 1-A provides that "[a]ll personnel enjoying privileges and immunities under this Agreement shall respect the laws of the Republic of Bosnia and Herzegovina insofar as it is compatible with the entrusted tasks/mandate and shall refrain from activities not compatible with the nature of the Operation." This provision could be wrongfully construed to prohibit U.S. forces from arresting indicted war criminals.

What direction has the United States given its forces concerning encounters with indicted war criminals within the territory of the former Yugoslavia? What is the legal basis for such direction? Will U.S. forces be issued pocket cards containing this direction, and a specific reporting channel should they make an arrest? Will they be provided with wanted posters or other detailed identifying information on all persons indicted for violations of international humanitarian law during the conflict in the former Yugoslavia?

If U.S. forces do encounter and arrest an indicted war criminal, will the United States remove the suspect from the territory of the former Yugoslavia and deliver the suspect to the International Criminal Tribunal for trial? Will the United States seek permission from any entity within the territory of the former Yugoslavia to remove the suspect, or is the United States prepared to act unilaterally?

What direction will be given to U.S. forces to be deployed to the former Yugoslavia concerning the collection of evidence of crimes against humanity or war crimes? Will U.S. forces make an active effort to collect testimony and physical evidence, and protect from destruction physical evidence, including mass grave sites, concentration camps, detention facilities, and records relating to such crimes? We note that the mass grave sites from the Srebrenica massacres appear, according to published maps, to lie within the U.S. zone. Please describe your plans for this effort and specify how the plan will be implemented.

Have U.S. forces been trained to safeguard those aspects of war crimes-relevant materials that must be protected so these materials may be legally admissible before the International Tribunal? Are U.S. staff judge advocate, military police, criminal investigation division, counterintelligence, civil affairs, and other personnel who are likely to come into contact with residents, familiar with the Tribunal's rules of evidence, and how they differ from U.S. rules and the Uniform Code of Military Justice? Please explain how the rules differ and what specific steps you have taken to ensure that U.S. troops identify and properly collect, and do not destroy, contaminate, or otherwise render legally unusable, evidence of war crimes or crimes against humanity that they may encounter on the territory of the former Yugoslavia.

What specific arrangements have been made for reporting war crimes- and crimes-against-humanity-related information up the U.S. and NATO chains of command in Bosnia? How will this information be passed to the International Tribunal? Is there a memorandum of understanding, an exchange of letters, or any other formal arrangement

between NATO and the International Tribunal? Between the U.S. and the Tribunal? Is there a designated position/person in IFOR who is specifically tasked with the responsibility of liaising with the Tribunal and arranging for transfer of custody of suspects and/or evidence?

What arrangements has the Department made with the Department of State concerning reporting war crimes- and crimes against humanity-related information to the International Tribunal? If there is not a formal arrangement between NATO or IFOR and the Tribunal, is there an agreement with State that State will receive and forward such information to the Tribunal?

If the International Tribunal asks U.S. forces to secure a specific area within the U.S. zone until an investigative team can arrive, will U.S. forces do so? Under the Status of Forces Agreement, could U.S. forces secure, for example, an office building holding records from a prison camp?

What is your understanding of the moral responsibility of the United States to take action against suspected war criminals or persons who allegedly committed crimes against humanity in the former Yugoslavia? By "action," we are referring to a range of initiatives from their arrest, through collection and preservation of evidence of the crimes and cooperation with international investigations of the crimes. Have you taken any action to instruct and educate U.S. forces concerning this responsibility, so that they may be properly sensitized to it? (Regular instruction in the Law of Land Warfare is clearly insufficient in such an extreme case as the alleged violations of international humanitarian law that have reportedly occurred in the former Yugoslavia.)

Will U.S. civil affairs and/or psychological operations units be tasked to inform the public in the U.S. zone that the U.S. is actively seeking information concerning war crimes and crimes against humanity, and provide to the public points of contact in IFOR or the U.S. contingent of IFOR for them to call or visit to provide such information?

When refugees or displaced persons pass through the U.S. zone and have contact with U.S. forces, will our forces be instructed to ask if they have any information on war crimes or crimes against humanity? Will U.S. forces be issued pocket cards with such questions, and a reporting channel for forwarding the information?

What arrangements have been made to provide speakers of the Bosnian languages who will serve as translators for U.S. forces deployed as part of IFOR? How many translators do you expect you will need? How will you obtain them? In making these arrangements, has war crimes reporting been a consideration in interpreter selection? Is there a plan to train interpreters in U.S. military terminology? If interpreters will undergo any training, will war crimes reporting be included in that training?

While we understand that it may take the Department some time to answer these questions, and many of the people who would know the answers to these questions are essential to the actual deployment of IFOR to the former Yugoslavia, we believe that these questions are sufficiently important to warrant consideration before U.S. forces are present on the ground in full strength. It would be a very grave matter if U.S. forces were inadvertently to allow a war criminal to escape, or were to destroy vital criminal evidence during the deployment process. Accordingly, we ask that these questions receive prompt and careful consideration by the responsible officials, and we look forward to receiving your response in writing in a timely manner.

Sincerely,

CHRISTOPHER H. SMITH,  
*Chairman.*  
ALFONSE D'AMATO,  
*Cochairman.*

#### THE ANTICOUNTERFEITING CONSUMER PROTECTION ACT OF 1995

Mr. LEAHY. Mr. President, I was pleased to be an original sponsor of S. 1136, the Anticounterfeiting Consumer Protection Act of 1995, to provide additional tools to combat trademark and goods counterfeiting crimes that cost our Nation billions of dollars per year.

The Judiciary Committee received estimates that international counterfeiting amounts to more than \$200 billion a year. Bank robberies in this country involve less than \$50 million a year. Just as we do not tolerate theft of peoples' funds from our banks, we can no longer tolerate the theft of intellectual property rights or reputation through unlawful copying, counterfeiting and infringement.

Even States like Vermont, with one of the lowest violent crime rates in the Nation, is home to businesses losing money to counterfeiters. Vermont Maple syrup producers comply with stringent standards so that syrup lovers around the world are not disappointed. They have to be constantly vigilant against counterfeiters who use the Vermont label to get a free ride on the reputation for excellence that syrup from my State enjoys.

Another example, concerns our IBM facility in Essex Junction, which makes 16- and 64-megabyte memory chips, known as Dynamic Random Access Memory Chips or DRAM. These memory chips are also the subject of counterfeiting activities. In addition, IBM has estimated annual losses to bootleg computer software at \$1 billion.

The Software Publishers Association and Business Software Alliance estimate that software counterfeiting may account for as much as \$6.5 billion a year, which is over 40 percent of all software industry revenues. This is unacceptable for any business if it is to survive.

At our Judiciary Committee hearing on October 10, we heard from Tom McGann, executive vice president of Burton Snowboards of Burlington, VT. This company is the world leader in making snowboard equipment, but loses an estimated \$1 million annually to copycat boots made in Korea.

Companies that work hard and devote resources to developing good products, ensure design and safety standards, and develop a well-deserved reputation for quality should have their trademarks and good names protected. Moreover, consumers need to be sure that what they are buying is what it appears to be. Burton Snowboards' testimony brings home the reality and the damage of counterfeit goods.

Tom McGann made several important points and was by my estimation

the most important and persuasive witness from which we heard. Tom observed that current legal options against counterfeiters were "so time consuming and so costly that we began to wonder why we went to the trouble of getting the patent at all." He also hit the nail on the head when he spoke about the unfairness of allowing those who make no investment in development and quality control to rip off companies that do. He made perhaps the most critical point when he testified that from a business perspective copies undercut the reputation and lead to the loss of public confidence in products of the company that is being copied.

Burton Snowboards is the world leader in making snowboard equipment, boots and related products. This private company was begun by Jake Burton Carpenter, who is generally credited with having developed the sport. This is a classic American story in which Jake-and-a-bandsaw-in-a-garage has led to a company that invests heavily in research and development to make the finest products of its kind in the world. Burton Snowboards' investment should be protected and its customers' confidence rewarded.

Our bill takes important steps to address the problem of counterfeiting in several ways. It seeks to expand our existing racketeering law to cover crimes involving counterfeiting and copyright infringement and to give our law enforcement officers additional, needed authority to seize counterfeit merchandise and impose fines on counterfeiters. It authorizes statutory damages of up to \$1 million in private suits against infringers.

I also want to emphasize one of the considerations that bring me to this fight—the health and safety risks posed by counterfeit products. Consumers are being defrauded and being placed in jeopardy by products that do not meet the safety standards that are required of legitimate businesses. We must do everything that we can to confront these dangers as well as the economic damage of illegal counterfeiting. Everything from snowboard boots to software to airplane parts to baby formula to medicine and medical supplies have been the subject of counterfeiting. In addition to the economic harm, the health and safety risks from some counterfeit products provide additional justification for our doing everything that we can to confront the dangers as well as the damage of illegal counterfeiting.

Most troubling at our hearing was the testimony that increasingly, the revenue lost to legitimate U.S. companies is going into the pockets of international crime syndicates and organized criminals, who manufacture, import, and distribute counterfeit goods to fund their other criminal enterprises. It is time to use our RICO weapons against racketeers who are engaged in criminal infringing activities.

As we marked up the bill at the Judiciary Committee, I offered—and the

Committee accepted—an amendment to clarify its provisions. Most importantly, my amendment clarified that those subject to civil penalties for participating in the importation of counterfeit goods should include those who "aid and abet" rather than those "in any way concerned in" the activity.

Even as we make our laws more effective in combating counterfeiting crimes here, we cannot overlook the international nature of the problem. Copycat goods with the labels of legitimate, American companies are manufactured, distributed, and sold in foreign cities around the globe. We should insist that our trading partners take action against all kinds of intellectual property violations: Whether counterfeiting or copyright piracy, it amounts to theft and fraud on the consuming public. We cannot tolerate our trading partners and international allies acting as safe havens for pirates. We must take all responsible action we can to protect against piracy and counterfeiting.

Our Nation's economic health in the next century rests in large part with our innovative high-technology and intellectual property companies. It is not protectionism to demand that others around the world recognize basic standards on trademark, patent, and copyright law and enforce prohibitions against counterfeiting and infringement. If our intellectual-property-based industries are to continue to lead the world, their creativity must be rewarded and their property rights and investments must be protected.

In addition to this legislation, we need to enlist the public in this fight and to educate the public about the downside of trademark counterfeiting and patent and copyright infringement. We need to be sure that our international negotiators and our trading partners share our resolve against these crimes.

I thank Jake Burton Carpenter, Tom McGann, and all those at Burton Snowboard for working with us on this measure. I also want to note the strong support of the Business Software Alliance and the Software Publishers Association, the Interactive Digital Software Association, the Recording Industry Association of America, the International Trademark Association, the American Amusement Machine Association, and the Imaging Supplies Coalition.

I appreciate hearing from Steven Olechny of The Timberland Co. from our neighboring State of New Hampshire and thank Timberland for its support for this legislation. I note the support a wide range of companies making everything from the Barney dinosaur and Mighty Morphin Power Rangers to Polo, No Fear, Nautica, and Hilfinger clothing to Oakley sunglasses and thank Hunting World, Hoechst Celanese, Procter & Gamble, Nintendo, Kodak, Polo Ralph Lauren, Nautica Apparel, Oakley, No Fear, Tommy Hilfinger Licensing, Chanel, Lyons